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LETTERS TO THE EDITOR

That CIA Secrecy Case

The Post's article "High Court Disputed in CIA Secrecy Case" [Feb. 24] badly mischaracterizes the circumstances of the Supreme Court's recent decision *CIA v. Sims*, in which the court ruled that the term "intelligence sources and methods" in the National Security Act of 1947 protects all intelligence sources from disclosure.

Relying on an article by retired CIA historian Thomas F. Troy, George Lardner Jr. implies that the CIA and the Justice Department withheld important historical evidence concerning the origin of the "intelligence sources and methods" language from the Supreme Court, evidence that would have led the court to a different conclusion.

This assertion is patently false. Although Mr. Troy and Mr. Lardner trace the term in question back to its allegedly narrower application by certain military officers opposed to the creation of a central intelligence agency, there is no evidence that Congress intended such a crabbed interpretation when it included this phrase in the 1947 act.

In fact, there is no evidence that Congress in 1947 was aware of, much less that it considered, the historical record cited in The Post's article. On the contrary, what legislative history does exist shows that Congress understood that the new intelligence agency would derive intelligence from a number of sources, diverse in character, and that maintaining the secrecy of agency operations was vitally important.

No party in the case misled the Supreme Court. In the *Sims* decision the Supreme Court relied upon the plain meaning of the statutory language, itself consistent with the relevant legislative history of the statute. While the article correctly recognized that *Sims* is an important case, it misunderstood the legal issues and the basic principles of statutory construction involved, and in so doing misconstructed the significance of Mr. Troy's scholarship.

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